



PATENT
ATTORNEY DOCKET NO.: ST-UCSD3510-1 (formerly 041673-2113)

SIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Gough et al. Art Unit: 3735
Application No.: 10/698,911 Examiner: K.E. Toth
Filed: October 31, 2003 Conf. No.: 2984
Title: TISSUE IMPLANTABLE SENSORS FOR MEASUREMENT OF BLOOD SOLUTES

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO REVIVE AN UNINTENTIONALLY ABANDONED
PATENT APPLICATION PURSUANT TO 37 CFR § 1.137(b)**

Sir:

Applicant submits this Petition under 37 C.F.R. §1.137(b) for revival of the above-identified application, which was unintentionally abandoned for failure to properly respond to the Notice of Allowance mailed December 21, 2006.

Submitted herewith, as required by 37 C.F.R. §1.137(b)(1-4), are the following:

1. Response to the Notice of Allowance mailed December 21, 2006;
2. The petition fee pursuant to 37 C.F.R. §1.17(m); and
3. A statement that the entire delay in filing the required reply, from the due date to the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b), was unintentional.

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| CERTIFICATION UNDER 37 CFR §1.10 "EXPRESS MAIL" Mailing Label Number: <u>EV 841 623 735 US</u> Date of Deposit: <u>April 10, 2007</u> | |
| I hereby certify that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above and is addressed to: Mail Stop PETITION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. | |
| KAREN LePARI (Name of Person Mailing Paper) | |
| <u>Karen LePari</u> April 10, 2007 (Date) | |

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Applicant respectfully petitions for revival of the above-identified application.

Enclosed is Check No. 585333 in the amount of \$1,780.00; which consists of \$750.00 for the petition fee pursuant to CFR §1.17(m) to revive an unintentionally abandoned application and \$1,030.00 for the issue fee/publication/extraneous patent copies fees pursuant to CFR §1.18. No additional fees are believed due with the present response. However, please charge any additional fees, or make any credits, to Deposit Account No. 07-1896. If the Examiner would like to discuss any of the issues raised herein, Applicant's representative can be reached at (858) 677-1423.

Respectfully submitted,



Stacy L. Taylor
Registration No. 34,482
Telephone: (858) 677-1453
Facsimile: (858) 677-1465

Date: April 10, 2007

USPTO Customer Number 28213
DLA PIPER US LLP
4365 Executive Drive, Suite 1100
San Diego, California 92121-2133

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my departure which reflected that the due date for payment of the issue fee had been removed from the firm's docketing system, indicating that the action required had been taken.

The physical file for this matter was eventually transferred to me at my new law firm for further handling, together with paper and electronic copies of an updated docket report, received March 19, 2007. Although the updated paper copy of the docket report provided by the previous law firm still indicated that the issue fee and continuation application due in this matter had been submitted, the docket entry for the issue fee due date in the electronic copy of the docket report remained open. Investigation into the discrepancy between the hard copy and electronic copy of the docket revealed that copies of the documents prepared for the submission were absent from the physical file and their submission was not recorded in PAIR. This petition was prepared immediately on discovery that the issue fee that was to have been submitted by the previous law firm apparently had not been submitted.

The entire delay in filing the required reply from the due date for reply until the filing of the accompanying grantable petition pursuant to 37 CFR § 1.137(b) was unintentional.

This statement accompanies the Petition for Revival, along with a check in the amount of \$1,780.00. In support of said Petition, this document provides the required statement that the entire delay in filing the required reply from the due date for reply until the filing of the accompanying grantable petition pursuant to 37 CFR § 1.137(b) was unintentional.

Enclosed is Check No. 585333 in the amount of \$1,780.00; which consists of \$750.00 for the petition fee pursuant to CFR §1.17(m) to revive an unintentionally abandoned application and \$1,030.00 for the issue fee/publication/extrapatent copies fees pursuant to CFR §1.18. No additional fees are believed due with the present response. However, please charge any additional fees, or make any credits, to Deposit Account No. 07-1896. If the Examiner would



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STATEMENT ACCOMPANYING PETITION UNDER 37 C.F.R. §1.137(b) TO REVIVE AN UNINTENTIONALLY ABANDONED PATENT APPLICATION

This Statement accompanies a Petition for Revival of the above-identified application under the provisions of 37 CFR § 1.137(b) on the grounds that the application was abandoned unintentionally by Applicant. It is respectfully submitted that Applicant's failure to pay the issue fee required by the Notice of Allowance mailed December 21, 2006 was an unintentional error.

I, the undersigned, left the previous law firm of record on February 22, 2007. At that time, all papers necessary to submit the issue fee and file a continuation application had been prepared and it is my understanding based on discussion with the staff responsible for mailing the documents to the US Patent and Trademark Office that they had been submitted. This understanding was confirmed by a paper docket report provided by my previous law firm prior to

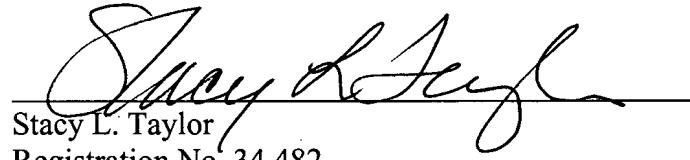
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| <u>KAREN LePARI</u> (Name of Person Mailing Paper) | |
| <u>Karen LePari</u> (Signature) | April 10, 2007 (Date) |

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Respectfully submitted,



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